

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CASE NO.: 5:09-CR-216-8FL

UNITED STATES OF AMERICA)	
)	
v.)	MOTION TO CONTINUE
)	DETENTION HEARING
ZIYAD YAGHI)	
_____)	

Defendant Ziyad Yaghi, through counsel, moves the Court to continue the detention hearing in this matter, currently set for Thursday, July 30, 2009, to a date no sooner than Tuesday, August 4, 2009. As grounds for this motion, Defendant shows the following:

1. Counsel was appointed this day, July 28, 2009, as a CJA panel attorney, upon Defendant's request for counsel. The undersigned has not yet met with the Defendant, who, upon information and belief, is housed at the Wake County Detention Center. Counsel is unable to drive to Raleigh to meet with the Defendant in the short time remaining before the scheduled detention hearing.

2. Counsel is due to meet with a client who is confined in the Pitt County Detention Facility who is in immediate need of mental health services. The meeting is to obtain the client's medical history so that a motion for a psychiatric examination can be promptly made. Counsel is scheduled to conduct a mediation in Lillington in a North Carolina Superior Court Civil case that has been scheduled for over two months.

3. Counsel has received information that attorneys for two other defendants may be moving to continue the detention hearing for those Defendants, also, and undersigned counsel would request the Court schedule the detention hearings together, to avoid

duplication of testimony, waste of judicial resources, and unnecessary expense by the Court, the taxpayers, and counsel.

4. Counsel has contacted Ms. Barb Kocher, AUSA, regarding this motion, by voicemail, but given the time constraints on filing such motion and the security needs of the Court, counsel was unable to determine Ms. Kocher's position as to this motion, but has notified her of the intent to request a continuance.

WHEREFORE, Defendant prays the Court continue the detention hearing in this matter from July 30, 2009, until Tuesday, August 4, 2009.

This the 29th day of July, 2009.

STUBBS & PERDUE, P.A.

s/ J. Douglas McCullough
J. DOUGLAS MCCULLOUGH
N.C. Bar #10136
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P.O. Box 1654
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CERTIFICATE OF SERVICE

I hereby certify that I this day have served a copy of this pleading upon the other parties to this action electronically as indicated to counsel for said parties, this 28th day of July, 2009:

Barbara D. Kocher, AUSA
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Mr. Jason Kellhofer
US Dept. of Justice, NSD
10th St. & Penn. Ave., NW, Ste. 2740
Washington DC 20530
jason.kellhofer@usdoj.gov

This the 29th day of July, 2009.

s/ J. Douglas McCullough
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